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In re Application of :
Holbert et al. :
Application No. 10/706,437 :
Filed: November 12, 2003 :
Attorney Docket No. 8LB-023587-US :

OFFICE OF PETITIONS

ON PETITION

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed August 19, 2005, to revive the above-identified application.

The petition is **GRANTED**.


This application became abandoned for failure to timely reply to the non-final Office action mailed February 8, 2005. No extensions of time under the provisions of 37 CFR 1.136(a) were timely obtained. Accordingly, this application became abandoned on May 9, 2005.

Petitioner has met the requirements to revive the above-identified application pursuant to 37 CFR 1.137(b).

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See *In re Application of S.*, 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Accordingly, since the \$1590.00 extension of time fee submitted with the petition on August 19, 2005, was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account as authorized.

The file is being forwarded to Technology Center 1700

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3282.


Liana Chase
Petitions Examiner
Office of Petitions